

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 28961 of 2007(W)

PETITIONER:

C.M.VARKEY, CHAKKAMPUZHANGAD VEEDU,
P.O.PERUMBALAM, CHERTHALA.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:

1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
PALARIVATTOM, ERNAKULAM.
2. GOVERNMENT OF KERALA REPRESENTED BY THE
COMMISSIONER AND SECRETARY TO LABOUR DEPARTMENT,
THIRUVANANTHAPURAM.
3. THE DISTRICT COLLECTOR,
ALAPPUZHA.
4. THE DEPUTY TAHSILDAR,
(REVENUE RECOVERY), CHERTHALA.

BY SRI.P.RAMAKRISHNAN, SC, KMTWWF BOARD
GOVT. PLEADER, SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No.28961 of 2007

Dated this the 5th October, 2007

J U D G M E N T

Against Exhibit-P1 final determination order, Exhibit-P2 appeal was filed and by Exhibit-P3 order the appeal was allowed and an enquiry was ordered to be held. Thereafter, when Revenue Recovery proceedings were initiated by Exhibits P4 and P5, this writ petition was filed on the allegation that pursuant to Exhibit-P3 appellate order enquiry was not held or that order was not passed.

2. Learned Standing Counsel for the 1st respondent was directed to get instructions on the allegations of the petitioner. Learned Standing Counsel on instruction, today submits that pursuant to Exhibit-P3 appellate order notices were issued on two occasions on 29.4.2005 and 8.6.2005, which were received by the petitioner and on this basis enquiry was held. It is also submitted that on the authorisation of the petitioner his son was present for the enquiry. It is also stated that on conclusion of the enquiry final determination order was passed on 24.6.2005 and that the same was sent and served on the petitioner on 29.6.2005.

3. In view of the facts as stated by the learned Standing Counsel, the allegations in the writ petition are totally incorrect. In view of this writ petition is only to be dismissed. In view of the wrong facts pleaded by the petitioner, I am not inclined to grant the instalment facility sought for by the petitioner. The writ petition is dismissed.

(ANTONY DOMINIC, JUDGE)

ma

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007